IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1973 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SURENDRA PRAHLADBHAI PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 1973 of 2002

MS SUBHADRA G PATEL for Petitioner No. 1

MR DN PATEL for Respondents No. 1-2

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 25/02/2002

ORAL JUDGEMENT

1. Rule. Mr.D.N.Patel waives service of rule on behalf of respondents. By consent rule is fixed forthwith.

2. Heard Ms. Patel for the petitioners and Mr. D.N. Patel appearing for the respondents. Petitioner has prayed that necessary direction be issued to the respondent - authority to correct the date of birth of the petitioner as per the Certificate issued by the Sanitary Inspector,Kalol Municipality dated 8.12.2000. According to the petitioner, earlier passport issued in favour of the petitioner was based on the School Leaving Certificate, wherein the petitioner's date of birth was shown as 27.5.56. It is the case of the petitioner that the petitioner has approached the respondent authority. However, the authority has not entertained the request made by the petitioner for change of date of birth and informed the petitioner that he can obtain orders from the court and accordingly the petitioner has approached this court.

3. The petitioner has annexed the xerox copy of the passport earlier issued in favour of the petitioner, which is at Annexure "C" and the date of birth is shown as 27.5.1956 and the same is as per the School Leaving certificate issued by the School authority. It is the case of the petitioner that in fact the birth date recorded in the School Leaving Certificate was not correct as the petitioner was born at Kalol on 29.6.1956, for which the petitioner has placed reliance upon the certificate issued by the Kalol Municipality dated 8.12.2000. According to the petitioner, petitioner's birth was registered in the Municipal record on 2.7.1956. It is correct that the earlier passport issued in favour of the petitioner was based on the School Leaving Certificate, wherein the petitioner's birth date was shown as 27.5.1956 and as there is inconsistency of dates in these two documents, the authority has not entertained the request for change of date of birth. Mr. D.N.Patel appearing for the respondent - authority has submitted that necessary direction be given and accordingly the respondent - authority is directed to consider the application of the petitioner for correcting the date of birth as the petitioner was born on 29.6.1956 instead of 27.5.1956, for which the petitioner has placed reliance upon the birth certificate issued by the Municipal authority. The respondent authority is accordingly directed to examine the application of the petitioner and examine the certificate issued by the Kalol Municipality and if the authority finds that the certificate is genuine, the authority is directed to issue fresh passport in favour of the petitioner in accordance with law.

4. With these observations, the petition is disposed

of. Rule is made absolute. Direct service is permitted.

(D.K.Trivedi,J)

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